

DISTRICT OF NEVADA

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Case No. 2:17-cv-02612-MMD-DJA

ORDER

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This matter is before the Court on Plaintiff George A. Toliver's Proposed Subpoena and USM-285 (ECF No. 22), filed on November 1, 2019. The Court previously ordered that Toliver complete the summons and USM-285 forms for the following defendants identified in his complaint, which was permitted to proceed after screening: (1) Las Vegas Metropolitan Police Department Officer J. Soles #15320; (2) unnamed Las Vegas Metropolitan Police Department Officer #15319; (3) parole officer John D. Mehalko; (4) parole sergeant E. Tanner; and (5) parole lieutenant Shane Brandon, and file them with the court by August 10, 2019. (ECF No. 13).

It appears as though the summons/USM-285 were returned unexecuted for Officer J. Soles #15320, Officer #15319, Shane Brandon, John Mehalko, and E. Tanner. (ECF Nos. 16-17). Toliver was granted assistance with service on the unserved defendants permitted to proceed in this action as stated above. (ECF No. 20). *See* Fed. R. Civ. P. 4(c)(3) (providing that the court must order service by a United States marshal if the plaintiff is authorized to proceed *in forma pauperis* under 28 U.S.C. § 1915). In so ordering, the Court directed Toliver to complete five summons forms and five USM-285 forms for the five unserved defendants. Instead, Toliver filed one subpoena and USM-285 without specifying to which defendant it is directed. The Court will deny Toliver's subpoena as improper. It refers Toliver to its prior Order (ECF No. 20) for further instructions.

1 **IT IS HEREBY ORDERED** that Plaintiff George A. Toliver's Proposed Subpoena and
2 USM-285 (ECF No. 22) is **denied without prejudice**.

3 **IT IS FURTHER ORDERED** that Toliver must complete the summons and USM-285
4 forms for the five unserved defendants and file them with the Court by November 18, 2019.

5 **IT IS FURTHER ORDERED** that upon receipt of the proposed summonses and
6 completed USM-285 forms from Toliver, the clerk of court must issue the summonses and deliver
7 the summonses, the USM-285 forms, a copy of Plaintiff's complaint (ECF No. 10), and a copy of
8 this order to the U.S. Marshal for service.

9 DATED: November 4, 2019



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE